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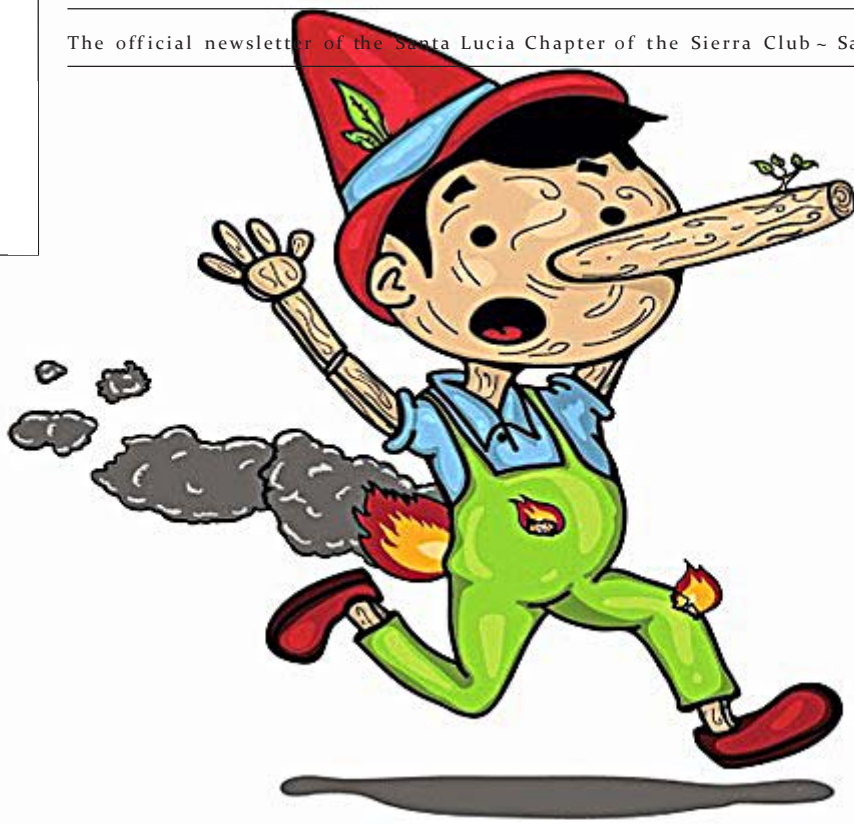
Santa Lucia  
Santa Lucia Chapter of the Sierra Club  
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# SANTA LUCIAN



April 2016  
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The official newsletter of the Santa Lucia Chapter of the Sierra Club ~ San Luis Obispo County, California



## Oil Train Project Burns Britches

Lawyer's pants catch fire, facts perish in flames

A credibility-consuming conflagration broke out at a Benicia City Council hearing last month when a lawyer's words collided with facts, causing his pants to spontaneously combust, instantly vaporizing the truth.

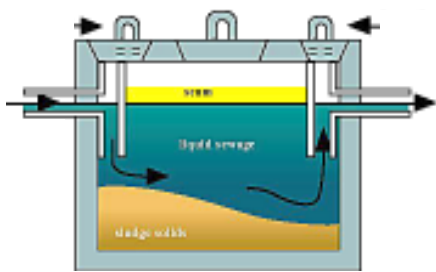
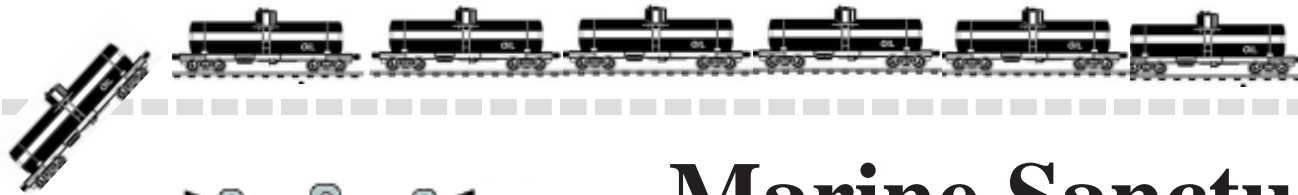
Oil train activists fear the flames from the massive oil-by-rail prevarication could threaten San Luis Obispo, over 200 miles away from the Bay Area community.

The fib-based inferno

occurred on March 15, when the Benicia City Council held a hearing on a project proposal by Valero Energy to bring crude oil to its local refinery via rail.

The city planning commission had voted to deny the Valero project on February 11, after rejecting the advice of the City Attorney that the principle of federal preemption barred them from considering the environmental impacts of rail operations

PANTS ON FIRE cont. on page 5



## Los Osos: Don't Tank Your Septic Tanks!

Take advantage of conservation & repurposing programs to save money and your water basin

As the Los Osos Wastewater Project prepares to go on line, we're asking all our Los Osos members to help get the word out about the LOWWP Conservation and Septic System Repurposing Programs. We strongly encourage you to participate, take maximum advantage of the options available and encourage your neighbors to do likewise.

Above all, *don't spend extra money to destroy a valuable asset.* It will likely cost you more to punch a hole in your septic tank and fill it with sand than it would cost to retain it as a drought-proofing asset.

The conservation and septic repurposing programs were required as a condition of the County's Coastal Development Per-

mit to help avoid impacts on seawater intrusion and estuary habitat when the sewer goes live and groundwater recharge from septic systems comes to an end. The conservation program is about maximizing the health and the sustainability of the Basin by helping residents to reduce their potable water use as much as possible.

Conservation is about the most cost-effective way to stop seawater intrusion and preserve the Basin as a healthy, sustainable water source. The Los Osos Basin Plan calls it the "highest priority program for reversing seawater intrusion" and promises a "state-of-the-art" program that meets the

DON'T TANK cont. on page 5

## Marine Sanctuaries Pencil Out

It's official: Protecting the ocean is good for business

In 2014, a Sierra Club-commissioned study blazed a trail in the economic evaluation of national marine sanctuaries by estimating the economic effect of a National Marine Sanctuary on the Central Coast.

Opponents of the proposed Chumash Heritage National Marine Sanctuary immediately pounced, attempting to discredit the study and promising that a "peer-reviewed" study of their own would soon be forthcoming to refute the findings of the report. That study never materialized.

But now a peer-reviewed federal study confirms what we found: National Marine Sanctuaries are an across-the-board economic boon.

California's northernmost sanctuaries spent \$127 million for non-consumptive recreation activities — i.e. those that do not include removal of marine resources — and supported nearly 1,700 jobs in 2011, according to a new report from the National Oceanic and Atmospheric Administration. (Last June, NOAA released a peer-reviewed report that analyzed the economic impacts of recreational fishing in all of California's national marine sanctuaries. From 2010-2012, anglers spent on average approximately \$156 million on saltwater recreational fishing in California's national marine sanctuaries, which generated more than \$200 million in annual economic output and supported nearly 1,400 jobs.)

Using data collected by the state of California in 2011, the new report provides insight into the types of recreational activities enjoyed in national marine sanctuaries located along the North Central Coast of California, from Alder Creek in the north to Pigeon Point in the south. The data, collected from 13 counties in the region, covered all recreation uses but was primarily focused on activities that did not extract resources, such as diving, beachgoing and bird watching.

Collectively, an estimated 4.17 million visitors engaged in recreation in the NCC region, including 438,000 visitors in Greater Farallones and the northern portion of Monterey Bay national marine sanctuaries. On average, each of these visitors made roughly five trips per year.

Respondents reported participating in more than 20 different recreational activities in the two sanctuaries, including sightseeing, water sports and diving. The top five most popular activities among survey respondents were beach going, coastal scene watching from a car, sightseeing, photography and bird watching.

"Coastal recreation generates significant economic revenues to coastal economies," said Bob Leeworthy, NOAA's Office of National Marine Sanctuaries chief economist. "This report underscores the value of national marine sanctuaries as focal points for non-consumptive forms of recreation and local economic development in California's North Central Coast."

The report, *A Socioeconomic Profile of Recreation Users of the California Northern Central Coast Region, Greater Farallones National Marine Sanctuary and the Northern Portion of*

*Monterey Bay National Marine Sanctuary 2011*, was produced by the Office of National Marine Sanctuaries' Socioeconomics Research and Monitoring Program.

Among its findings:

- Non-consumptive recreation accounted for 98.7 percent of all recreation in the Northern Central Coast (NCC) region, including 86.7 percent in Greater Farallones National Marine Sanctuary and 95 percent in the northern portion of Monterey Bay National Marine Sanctuary.
- Recreation in Greater Farallones and northern Monterey Bay, on average, generated an additional \$80 million in income to business owners and employees.
- In Greater Farallones, surface water sports, including kayaking, kite, wind and body surfing, swimming and boating, followed by sightseeing, were the top two reported recreation activities among survey respondents.
- In the northern portion of Monterey Bay, sightseeing and beachgoing were the top two recreation activities.
- Total spending for non-consumptive recreation was estimated at \$1.15 billion in 2011 for the entire NCC Region. Roughly 11 percent

of the total spending took place in the two sanctuaries — \$86.25 million in Greater Farallones and \$40.82 million in the northern portion of Monterey Bay.

- On average, visitors participating in non-consumptive recreation in the entire NCC Region spent \$31.14 per day, while those that did the activities in Greater Farallones spent \$31.48 and those in the northern portion of Monterey Bay spent \$26.68.
- Food, beverage and lodging accounted for 80.3 percent of spending in the NCC Region, 71.6 percent in Greater Farallones and 65.7 percent in the northern portion of Monterey Bay.

The complete recreational economic impacts study, along with earlier national marine sanctuary socioeconomic reports, can be found at [sanctuaries.noaa.gov/science](http://sanctuaries.noaa.gov/science).

NOAA's Office of National Marine Sanctuaries serves as trustee for a network of underwater parks encompassing more than 170,000 square miles of marine and Great Lakes waters. Through active research, management, and public engagement, national marine sanctuaries sustain healthy environments that are the foundation for thriving communities and stable economies.

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# Shamu Unbound

By Andrew Christie, Chapter Director

On March 17, SeaWorld announced that it is going to stop breeding captive orcas and phase out their orca shows. The current generation of orcas forced to live out their lives in concrete pools will be the last.

Remember what SeaWorld said last October when the California Coastal Commission told them if they wanted to build a bigger orca pen, they were going to have to stop breeding orcas?

They were displeased. They sued the Coastal Commission. The *L.A. Times* was outraged on SeaWorld's behalf, and sought to strike a blow for the status quo. Clearly, they editorialized, the Coastal Commission has overstepped. How dare they presume to exceed their authority by claiming that their mandate to protect California's coastal resources extends to barring the replenishment of the genetic stock of captive orcas, which inevitably requires the capture of wild orcas, inevitably in California's waters?

That was then, this is now. And "now," as SeaWorld acknowledged in its announcement ("Society is changing and we're changing with it"), is different from "then."

I'm going to turn over the rest of this article to my colleague, Edward Moreno, policy advocate for Sierra Club California, who wrote the following op ed for the *Sacramento Bee* almost two years ago on the occasion of Assemblyman Richard Bloom's introduction of the Orca Welfare and Health Act in the state legislature. Take it away, Eddie:

## End enslaving orcas for entertainment in California

The highest court in the United Nations, the International Court of Justice, recently issued a definitive ruling against Japan's whale hunting operations around Antarctica, underscoring the value of a bill moving its way through the California Legislature.

Japanese whalers kill 10,000 whales annually within the Southern Ocean Whale Sanctuary in the name of science, but have failed to issue any significant scientific research since the program began in 1988. The U.N. court's ruling called for an immediate halt to that whaling program, and Japan has agreed to comply.

Just as Japan must limit its hunting of whales for food, California must put an end to enslaving orcas – better known as killer whales – for entertainment. A bill that is now before the Legislature – Assembly Bill 2140, introduced by Assembly member Richard Bloom, D-Santa Monica – would do just that.

Whales have long held a special place in the minds of humans, hailed as some of the most intelligent species on Earth. The 2013 documentary "Blackfish" offered nuance and texture about the lives and experiences of orcas that had previously been unknown to most of its viewers.

Scientists have learned from years of study that orcas live with their pods – or families – for their entire lives in the wild. Each pod has what amounts to a distinct language, likely making it impossible for its members to communicate fluently with orcas from different pods.

As *Blackfish* illuminated, when juvenile whales were captured for entertainment purposes in amusement parks like San Diego's SeaWorld, their captors were surrounded by the remaining members of the pod, who called out to them and attempted to prevent the boat from leaving. The subsequent training and treatment of the orcas for en-



tertainment are captured in the film and are almost too inhumane to view and left the boldest of these creatures visibly depressed.

Bloom's bill, entitled "The Orca Welfare and Health Act," would make it illegal to hold orcas captive for entertainment purposes in California. It would end an era of not-so-hidden abuse of wildlife.

The bill is an acknowledgment of our essential connection to wildlife as human

beings. It is a sign that, as humans, we understand that we have an obligation not just to whales but to wildlife throughout the world that is at the mercy of our policy decisions – from how we make and use energy to where and how we store our trash.

Whales are not the only animals worthy of our respect and protection. The Los Angeles Shriners recently announced that they would no longer use elephants, or any animals, as part of their annual circus fundraiser. Reports on the matter revealed that the move may have stemmed from a 2013 City of Los Angeles ban on the use bullhooks, which trainers use to manage elephants.

These controversies about the use of majestic wild animals to entertain are reminders that humans and wildlife have an unbreakable bond. We share the same air, water and land. We are struck by the same natural disasters, and many species seem to share similar desires for connection with loved ones that ultimately brings meaning to our lives. Ending orca entertainment in California may not put an end to the use of these intelligent and emotive creatures for entertainment in other parts of the nation and the world. But it would speak well of our state's character, and of our commitment to protecting natural areas and wildlife, both on and off our shores.

And it would serve as one more example of a sensible policy that will help to preserve a world worth living in for our children and grandchildren.

Thank you, Mr. Moreno. Me again, with an update: Assemblyman Bloom's bill was shot down in 2014, because SeaWorld fought it furiously, charging that it was backed by "well-known extreme animal rights activists, many of whom regularly campaign against SeaWorld and other accredited marine mammal parks and institutions."

Assemblyman Bloom reintroduced the bill on March 17. This time, it will write SeaWorld's commitments into law and apply them to all state operators. And this time it won't be shot down, because it will be backed by SeaWorld.

David Phillips, Executive Director of Earth Island Institute, noted that SeaWorld's corporate about-face was silent on the subject of "captive dolphins or other cetaceans, like belugas and pilot whales."

He's not wrong. But we really should take a moment to grasp what has happened before immediately rushing past it to the next fight. Seldom does one get the chance to witness so clearly the turning of a page.

Thank *Blackfish*. Thank the (pre-crisis) Coastal Commission. And thank all the non-profits, foundations, elected officials and advocacy organizations dedicated to environmental conservation, social justice and coastal protection -- and all those "well-known extreme animal rights activists" -- who labored for decades to bring about the day when society would change...and then found that they could actually mark that day on a calendar.

## Vacation Rental Ordinance is No Party

In February, we sent comments to the County Planning Department on a draft ordinance governing residential vacation rentals in the inland part of the county.

The purpose of the amendments is to address neighborhood character and compatibility concerns regarding the impacts of establishing vacation rentals in residential neighborhoods and rural/agricultural areas of the county. The draft language seeks to address impacts generated by events venues that are currently operating as residential vacation rentals. The draft proposal would allow temporary events (e.g. weddings, reunions, concerts, etc.) at vacation rentals that apply for a conditional use permit to hold temporary events.

Vacation rentals should not be permitted to become temporary event sites under any circumstances. Vacation rentals that are operating as illegal temporary event sites must apply for a vacation rental permit and risk loss of that permit if they continue to hold events.

The intent of the events ordinance is support for agricultural operations in the county. Codifying the

expansion of events to vacation rentals will defeat the stated purpose of the proposed ordinance:

*"The purpose of these amendments, which were authorized by the Board of Supervisors on October 13, 2015, is to address neighborhood compatibility concerns and community character impacts associated with establishing vacation rentals in residential neighborhoods and rural/agricultural areas of the county. Of particular concern are impacts (e.g. noise and traffic) generated by events venues that are currently operating as residential vacation rentals."*

De-coupling ag production from event venues will directly undermine the viability of agriculture in the county.

Our additional comments on the draft text:

**Purpose:** The required zoning clearance should require a site visit and determination that the site use as a vacation rental will not be incompatible or

have potential for deleterious effect.

**Location:** 500 feet is insufficient spacing for rural areas. Every parcel over 3 acres could potentially be a vacation rental. Density of vacation rentals should include an alternate, more restrictive density standard for parcels under 50 acres.

**Vacation rental tenancy:** Who will oversee this provision and how will it be enforced? The burden is unfairly placed on neighbors to observe who is renting when.

**Traffic:** How will this be enforced/moderated?

**Number of occupants allowed:** How will this be enforced?

**Noise:** Loud and disturbing Noise must cease by 9 p.m. Sunday through Thursday and by 10 p.m. on Friday and Saturday.

**Local contact person:** Local person contact information and rentals terms, such as number of persons allowed, number of cars allowed, etc. shall be made available on the county's planning website.

(1) A one thousand (1000) foot radius in rural areas is too small.

Minimum should be two thousand five hundred (2,500) foot radius, or a minimum of 5 neighboring parcels, whichever is greater.

**Complaints:** This section puts an untenable burden on the neighbors and puts the complainant in danger of retaliatory actions. Complaints should be directed to the sheriff if county personnel are not available. The ordinance states: "County staff shall prepare a written report which describes the nature of the violation, when it occurred and how it came to the attention of County officials. Copy of written report shall be available to complainant."

**Violation - vacation rental:** Commission of 3 verified violations within any 12 month period should be grounds for revocation. If you adopt the more lenient language of 3 violations in a 6 month period, 4 violations per year could easily occur without revocation of the permit.

After the Planning Department received all comments, and after heavy lobbying by the local wedding industry, the ordinance was "taken off calendar" -- i.e. thrust into political limbo.



### Earth Day at the SLO Botanical Garden

Join us on Sunday, April 24, 10 a.m. - 5 p.m., for the 26th annual SLO County Earth Day Festival. Enjoy music from popular local musicians, an eco-marketplace, and a lot of great green exhibits. San Luis Obispo Botanical Garden 3450 Dairy Creek Rd. - El Chorro Regional Park Parking at Cuesta College. Free.

Event contact: 805-541-1400 x 304.

### Santa Lucian

EDITOR  
Andrew Christie

Greg McMillan  
Lindi Doud  
Linda Seeley  
Sandy Simon  
EDITORIAL COMMITTEE

Denny Mynatt  
PRINT MEDIA COORDINATOR

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send to:

Editor, Santa Lucian  
c/o Santa Lucia Chapter, Sierra Club  
P.O. Box 15755  
San Luis Obispo, CA 93406  
sierraclub8@gmail.com

### Santa Lucia Chapter

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The Executive Committee meets the second Monday of every month at 5:30 p.m. The Conservation Committee meets the second Friday at 1p.m. at the chapter office, located at 974 Santa Rosa St., San Luis Obispo. All members are welcome to attend.

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Linda Seeley, alt: Greg McMillan  
John Burdett

**Calendar Sales**  
Bonnie Walters 805-543-7051  
**Outings**  
Joe Morris  
dpj1942@earthlink.net

**Canoe/Kayak**  
open  
**Webmaster**  
Monica Tarzier  
monica@tarzier.org

**Trail Guide**  
Gary Felsman

**Chapter Director**  
Andrew Christie  
**Coordinator**  
Kim Ramos, Admin and Development  
kimramos@yahoo.com

**Santa Lucia Chapter**  
P.O. Box 15755  
San Luis Obispo, CA 93406

**Office hours Monday-Friday, 1 p.m. - 7 p.m., 974 Santa Rosa Street, San Luis Obispo**

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## Arroyo Grande's Water is On the Line

Last month, the Santa Lucia Chapter sent a letter to the EPA on the proposal by the State Water Board to exempt the "Pismo formation" under the Arroyo Grande oil field from the protections of the Safe Drinking Water Act. The state is proposing exemption because Freepport McMoRan is currently injecting oil drilling wastewater into the formation and plans to expand its operations.

Along with Price Canyon area residents and the Center for Biological Diversity, we are protesting the proposed exemption. (See "Oil vs. Aquifer," Oct. 2015.)

Freepport also recently got permission to drill 31 new oil wells in the area on a 10-year-old county permit that was issued 11 years ago but

recently extended without regard to new information not known when the permit was issued. Of particular concern: oilfield injection wells are now known to trigger earthquakes.

What this phenomenon is doing to Oklahoma was detailed in the March 21 issue of *Time* magazine ("Greed, politics and the biggest oil boom in decades"). What it could do to California was indicated in a recent study that found an increase in seismic activity in Kern County due to oilfield injection wells.

The state is affirming, among other assurances, that any injected fluid will remain in the exempted aquifer. The extension of Freepport McMoRan's permit was likewise granted

largely on the assurance that the geological barrier between its proposed wastewater disposal site and nearby potable water sources is impermeable and permanent. As studies showing the connection between oil wastewater injection and earthquakes mount, and Freepport moves to expand its local operations, such assurances become increasingly dubious.

EPA's decision is expected as we go to press. Dozens of aquifers across the California are in the same situation, hence the EPA action on the Arroyo Grande oil field exemption request will set a precedent for the state.



Save the Date: June 11

## Tiber Canyon Ranch Fun Raiser

No, that's not a typo. We're just inviting Sierra Club members and volunteers -- and those who were once, and those who aren't either one but think they might be someday -- to come join us for some fun at Tiber Canyon Ranch in Arroyo Grande on

June 11.

Of course if you want to make a donation to the Sierra Club, it will be graciously accepted, but the day will be about entertainment and information. Stroll about the grounds and

visit various tables where you can chat up Sierra Club Chapter leaders to find out more about what we do and how you can participate, volunteer, or otherwise join in.

Watch this space for details as the date approaches!



## Dunes Dust Denialism Down But Not Out

The March 7 ruling by Superior Court Judge Charles Crandall upholding the Air Pollution Control District's Rule 1001 — aka "the dust rule" — for the Oceano Dunes State Vehicular Recreation Area should mark the end of the road for the torrent of legal attempts to hamper the clean-up of the worst air quality in the county and otherwise protect the residents of Oceano and the Nipomo Mesa from hazardous levels of dune-buggy induced pollution.

But, of course, it's not the end of that road. The lawsuit that resulted in the dust rule being upheld is currently only one of four, courtesy of the offroad group Friends of Oceano Dunes. As *New Times* reported last month, the FoOD "appears to spend the bulk of its funding on litigation and related legal expenses" -- \$161,000 in 2014 alone.

Over the two years that opponents tried to kill the dust rule while it was in process, and the five years since it was adopted, the FoOD has been the edge of the wedge for an assemblage of entities that feared an excess of respect for the lungs of South County residents might equate to possible financial harm to the biggest cash cow in the State Parks system. Over the years, the stonewalling roll-call has included the Oceano CSD, Pismo Beach City Council, all APCD board members of a conservative ideological stripe, and State Parks' Off-Highway Vehicle Division — which in 2012 earned a shout-out from the county air pollution control officer for its "utter lack of commitment" to implementing the dust rule.

Those years saw attacks on science, attacks on the idea and existence of the APCD and personal attacks on its staff. The strategy has now shifted to attempting to lawyer the dust rule out of existence (including three nuisance lawsuits on administrative procedure filed by anti-government hobbyist Kevin P. Rice, dismissed a year ago). FoOD's biggest win before the rule was upheld was an appellate court judgment striking down the dust rule's permitting authority on the basis of a single word, the question of whether the ODSVRA is a "contrivance." That victory has now been rolled back by the court's ruling that the APCD doesn't need permitting authority to enforce the rule through civil penalties and other actions if State Parks fails to clean up its act. But the dust (and litigation) rolls on.

It seems like only yesterday (2007) that the Sierra Club first blocked the quiet land sale attempt that would have transferred the La Grande Tract -- 500+ kinda/sorta leased acres in the middle of the ODSVRA -- from County hands to State Parks, a land parcel that is now the locus of dust control efforts. The La Grande Tract remains the ultimate hammer over both the County and State Parks. (See "...And One Good Lawsuit," below).

Had State Parks acquired that parcel, it also would have meant "A transfer of ownership to State Parks for the stated purpose of continued OHV use [which] may affect implementation of the long term planning and resource management requirements established by...the certified LCP," as California Coastal Commission staff put it in 2007.

In 2014, we blocked another attempt by State Parks to buy the land from the County. We interceded with the legislative subcommittees that determine department budgets for the next fiscal year and persuaded them to eliminate a requested \$5 million from State Parks' proposed budget that would have been used to purchase the controversial parcel.

In August, the Coastal Commission will meet in Pismo Beach, when it is scheduled to take another shot at addressing the universe of environmental and regulatory problems facing the Oceano Dunes and the legendary intransigence of State Parks on all of them. Last year, the Commission simply added another chapter of inaction to the dunes saga after it reviewed those problems in an all-day hearing, at the end of which it decided to have more talks with State Parks, after three decades of failed talks. (See "Spinning Their Wheels," March 2015.)

This year, we will remind them that while the APCD may not have permitting authority in the Oceano Dunes, the Coastal Commission does.



## Tell the Obama administration: No more offshore oil & gas!



In a big victory for tireless grassroots activism, the Obama administration has withdrawn its plan to allow drilling off the Atlantic coast — but it will soon decide whether oil and gas drilling are allowed in the Arctic or Gulf of Mexico between 2017 and 2022, so the decision it makes this year will have far-reaching consequences for years to come.

Whether it's to protect our climate from the 60 billion tons of carbon dioxide locked up in offshore oil and gas reserves, or to stop the next BP oil disaster or catastrophic oil spill in the Arctic, keeping new offshore drilling out of this five-year leasing plan is critical. It's time to speak up and have your voice heard.

Take action right now to show the Obama administration that you support keeping dirty fuels in the ground and oppose any new offshore oil and gas drilling.

Go to: [tinyurl.com/obama-no-offshore](http://tinyurl.com/obama-no-offshore).

p.s.: The Central Coast can escape the spin of the roulette wheel of five-year offshore leasing reviews if NOAA designates the Chumash Heritage National Marine Sanctuary now. Go to [tinyurl.com/CHNMSpetition](http://tinyurl.com/CHNMSpetition).



Five-year reprieve The West Coast escaped designation for offshore oil & gas leasing for 2017-2022. Then we'll be at risk again ...unless we're protected by a National Marine Sanctuary.

## ...And One Good Lawsuit

A lawsuit filed by Mesa Community Alliance over the dust pollution coming from the Oceano Dunes State Vehicular Recreation Area alleges that State Parks is creating a nuisance through its operations, failed to implement adequate mitigation measures over a long period of time, and is not obeying the Air Pollution Control District's Rule 1001, the County's Local Coastal Plan, or the terms of its permit from the Coastal Commission.

The County has been "leasing" its La Grande Tract to State Parks for years without a valid lease agreement or

Memorandum of Understanding, according to the suit, and is therefore complicit.

Last year, the court determined that the County must develop an MOU and has an obligation to hold State Parks' OHV Division accountable for its contribution to the health hazard to the citizens of the Mesa. The case is continuing to work its way through the legal process.

If you'd like to support this public interest litigation, a check sent to MCA, P.O. Box 118, Arroyo Grande, CA 93420 will be deeply appreciated.



## Before you Vote on Plastic Bags...

California's plastic bag ban will be on your ballot on November 8.

The *Sacramento Bee* has condensed everything you need to know about that ballot item into a minute and 15 seconds.

Inoculate yourself early against inevitable ballot argument obfuscation!

"5 Things to Know: California's Plastic Bag Vote" is at:

[tinyurl.com/plasticbagvote](http://tinyurl.com/plasticbagvote)

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# Diablo + Desal + Haste = County's Next Mistake

Supervisors discard General Plan, bet the farm on aging nuclear plant

At the Board of Supervisors' March 22 meeting, longtime environmental advocate Eric Greening neatly summed up the County's batting average to date when it comes to responding to our diminishing water supply.

Commenting on the plan to proceed with changing Diablo Canyon's modest industrial desalination facility into a large municipal water supply, Greening noted that the Board "just spent a whole bunch of money to help the North County" and was about to spend another whole bunch of money to help the South County. The first effort — the attempted establishment of a doomed "hybrid" water management district for the Paso Robles basin — was obviously a bad idea from the start (see "Requiem for

a Bad Idea," right, and just about every other issue of the *Santa Lucian* circa 2014-15).

So is this one. The board elected to proceed with the \$900,000 cost of pursuing a desal project permit without knowing how much PG&E will charge the County for the water. And if the supervisors were not clear on what that cost is going to be — beyond guesstimates in the staff report that it will cost PG&E \$1,000 to \$1,500 per acre foot to produce — and how much South County customers are willing to pay, then they have no realistic idea of the cost of the project.

Without all costs accounted for, the board couldn't compare this project to the cost of recycled water or any of the

other recommendations in the County's recent "Extended Drought Options Zone 3 Report." Instead, the board put its chips on Diablo without bothering to determine if a viable alternative — or several — might cost a lot less.

As we've noted (see "Rush to Desal," Nov. 2015), the County's General Plan requires that "Development of new water supplies should focus first on efficient use of our existing resources. Use of reclaimed water, interagency cooperative projects, and groundwater recharge projects should be considered prior to using imported sources of water or seawater desalination."

Also: The County shall "Support the expansion of desalination opportunities only if other new water

sources are not feasible (e.g. increased efficiency and conservation, taking full allotments of existing surface water projects such as the Nacimiento Water Project)."

Last August, when the Diablo desal plan made its first public appearance before the board, planning staff suggested that "Comparing the benefits and impacts of recycled water projects with desalination projects would be appropriate in further analysis."

The supervisors ignored these bothersome suggestions and the County's policy provisions last August, and ignored them some more on March 22. Every recommended option in the staff report presented to the board that day led directly to the Diablo desal project and no other.

Taking the time now to require an apples-to-apples comparison of all the water supply and conservation options before them would have been the prudent thing for the supervisors to do. At one point, Supervisor Gibson noted concerns by folks who might want to know what the plan is to "make this facility run in an environmentally responsible manner," and that this might be contingent on policies in the California Ocean Plan, which has yet to be approved. His query as to any requirements that plan may have in store for such a project got a "we don't know" from staff.

Something else we don't know: if Diablo Canyon will still be open and functional when a desal project comes on line, or for any appreciable amount of time

thereafter (see page 7). That's not an issue for the continued function of the desal facility — PG&E will have to keep desalinated water flowing if the reactors shut down as they'll still need it for the decommissioning process, and doubtless, if the County were a customer, would be happy to keep charging for water indefinitely after that — but in that scenario, what's the plan for the disposal of the vastly increased levels of toxic brine discharge coming from the desal facility, unaccompanied by the billions of gallons of plant-cooling seawater now pulled into the plant and discharged into the ocean, currently serving to dilute the plant's desalination discharge to non-harmful levels?

We don't know.



## Gang of Seven under pressure

# Coastal Commission Crisis Continues

After firing Charles Lester, Executive Director of the California Coastal Commission, at the Commission's February 10 meeting in Morro Bay — an action opposed by virtually every member of their staff, the editorial boards of every major newspaper in the state, ninety environmental and social justice organizations, three dozen former Coastal Commissioners, two dozen state and federal legislators, and the 253 members of the public who spoke at the meeting — the Coastal Commissioners who did the deed got the opportunity to take the first step in their stated quest to regain the public trust at the Commission's March 9-11 meeting in Santa Monica. They wanted to demonstrate a commitment to transparency and persuade the public that the motives behind Lester's firing were as pure as the driven snow.

It did not go well. Longtime coastal advocate Joe Geever informed the Commissioners he would be "calling on the state legislature to investigate your actions in the firing of Dr. Lester" and requesting all their communications "before, during and since the February 10 hearing."

"There's an expression: We're not buying it; we're not even renting it," said Julie Ross of Playa del Rey.

Three of the seven Commissioners who voted to fire their executive director the month before for vague and/or unstated reasons, thereby striking at the heart of California's Coastal Program and the bedrock principle of an independent Commission staff, had

trouble coping with their new-found fame.

Commissioner Wendy Mitchell, at some point during nearly every Coastal Commission meeting over the last four years, would turn her guns on Lester and his coastal analysts, sounding a lot like a boss who wants to fire an employee but whose motive for doing so is best left discreetly undisclosed, thereby necessitating a manufactured pretext and the steady construction of a fabricated

case. Mitchell, who elected to remain dead silent throughout the Feb. 10 hearing that ended with Dr. Lester's dismissal, has subsequently been widely identified as a prime architect of that action. A month later, she had a lot to say. Jumping into the public comment period — which is reserved for comments from the public, not Commissioners — she rambled through an attempt at self-justification for her vote to fire the executive director, candidly revealing that she had the knives out for Dr. Lester from the day he'd been appointed nearly five years ago. Commission Chair Steve Kinsey implored her to stop talking. Amid his repeated attempts to cut her off and shouts of

"Resign!" from the audience, a visibly shaken Mitchell finally sputtered to a stop. "Mitchell now finds herself in hot water over what appears an egregious conflict of interest in voting in favor of the permits needed by the City of Santa Barbara to rebuild its long-mothballed desalination plant," wrote Nick Welsh in the March 17 *Santa Barbara Independent*. "At the time Mitchell cast her ballot in favor of Santa Barbara's desal permits, she had been hired as a paid lobbyist by Carollo Engineers. Carollo — then as now — had been hired by the City of Santa Barbara to midwife its desal project into reality."

At the February meeting, Mark Vargas, Mitchell's fellow business consultant on the Commission, had staked out the position that the lack of diversity on the Commission's staff and a failure to assure more public coastal access for low-income residents was the reason to oust the executive director. But as Jacques Leslie noted in *Sierra* magazine, "He criticized the commission for not hiring more ethnic minority staff members and for failing to provide for motels for non-affluent beachgoers. But in fact the commission staff's person of color representation (29 percent) is slightly higher than that of the state Natural Resources Agency (28 percent) of which it is a part, and it is rapidly increasing despite substantial obstacles including slow employee turnover and a limited pool of qualified applicants. Further-

**Gov. Jerry Brown, who has four appointees, should seek new commissioners ... Until the governor gets the blood out of the water, public confidence won't be restored.**

— *Sacramento Bee*, "Turn up the lights on Coastal Commission lobbying," Feb. 17.



"Have you no shame?" David Ewing of Venice Action directs a question to Commissioner Wendy Mitchell.

more, commissioners' decisions to replace motels with high-end hotels have more to do with a motel shortage than any staff actions. Indeed, 26 environmental justice groups including virtually all of California's EJ organizations signed the nonprofits' letter in support of Lester precisely because they appreciated the commission's record in supporting public access."

At the March meeting, Vargas suddenly started speaking in Spanish ("lest anyone doubt the sincerity of his oft-repeated commitment to inclusivity," as noted by Steve Lopez in the *L.A. Times*). At the break, several local residents asked if it would be possible to obtain an English translation of his remarks. His response to them is reproduced verbatim at left, insofar as possible for a family-friendly publication.

At the opposite end of the spectrum from Commissioner Mitchell's too-much-information gambit, Commissioner Erik Howell

chose the better part of valor and elected to vanish from the dais when an item that has gotten the Commission sued and made him the target of a complaint to the Fair Political Practices Commission came up on the agenda. He was suddenly nowhere to be seen as an attorney and a Pismo Beach resident recounted the sequence of events whereby Howell came to flip his vote on a Shell Beach development project after he accepted a donation to his city council reelection campaign from the operations manager and life partner of coastal super-lobbyist Susan McCabe, the project applicant's representative.

Observers noted that the elusive Commissioner Howell appeared to be taking his colleagues' new lip service to transparency literally, as he had become invisible.

Public trust is likely to remain even more elusive for this Coastal Commission as long as the Gang of Seven are still riding high.



"This was a tragedy for all of us."

— Commissioner Wendy Mitchell, who developer lobbyist Susan McCabe reportedly refers to as "my commissioner," on the fallout from her vote to fire the Commission's executive director.



"F— off. I'm tired of listening to your f—ing bull—. Get the f— out of here."

— Commissioner Mark Vargas, when asked if he would provide an English translation of remarks he delivered in Spanish.



"...."

— Commissioner Erik Howell, avoiding facing public comment on his vote on a development permit that triggered a complaint to the Fair Political Practices Commission.

Senator Hannah-Beth Jackson has introduced SB 1190 to prohibit Coastal Commissioners from attempting to influence reports or recommendations from staff during the preparation process. On March 22, Jackson announced she would amend her bill to also prohibit commissioners from having "ex parte" communications -- i.e. conversations about an issue that is before the Commission which take place anywhere other than in a public meeting.

"It is important that we do all we can to restore the public's trust in the Coastal Commission," Jackson said. "This bill will level the playing field between big-moneyed interests and those without such financial resources, remove the possibility of backroom decision-making or the perception that this is occurring, and help ensure that decisions are made more openly and transparently."



# Requiem for a Bad Idea

The “hybrid” Paso water district had to die so the Paso basin can live

By Andrew Christie, Director, Santa Lucia Chapter of the Sierra Club and Sue Harvey, President, North County Watch

If you wanted to pinpoint the moment when the fate of the failed Paso Robles groundwater management district was foretold, you could go back five decades, when the Supreme Court affirmed the fundamental principle of “one person, one vote.”

Or you could just go back to the February 18, 2014, meeting of the county supervisors. At that meeting, the chief consultant to Assemblyman Katcho Achadjian’s Local Government Committee described the facts of life when it comes to legislation authorizing the formation of special water districts:

*“The general trend over the last hundred years I would say...is to move away from landowner-based districts and voting...and toward*

*resident voting, or one person per parcel, one person per vote.”*

You could also say that the doom of the proposed landowner-based district was sealed the year before by the forced compromise that created its Rube Goldberg structure but was unable to obscure the essential fact of its design: Elections to fill the majority of seats on the board would forever be decided based on the amount of acres owned by voters. District board members with a financial stake in irrigated agriculture would rule the basin and dominate all decisions regarding the disposition of its water in perpetuity; those not thus involved would be consigned to a perpetual minority. This was deemed “local control.”



The “compromise” that began the long, strange trip of the “hybrid” water district at the end of 2013 was simply a capitulation, with one side of the fight conceding to the basin’s agricultural interests on their

primary demand: acreage-based control over any water district that would be created.

For that reason alone it should have proceeded no further. Instead, over the next two years, legislation was drafted, received the blessing of the board of supervisors, and went to Sacramento, where, in its

first committee hearing, it garnered 150 letters in opposition versus 10 in support.

Again, the writing was on the wall, but the bill authorizing the creation of the hybrid district was rammed through, over the objections of North County Watch, Sierra Club California, California Rural Legal Assistance Foundation, the Planning and Conservation League, California Teamsters Public Affairs Council, Defenders of Wildlife, Center for Biological Diversity, Clean Water Action, Food and Water Watch, Southern California Watershed Alliance, California Coastal Protection Network, and Community Water Impact Network.

Finally, the most elaborate and confusing ballots in the County’s history were mailed out to myriad classifications of voters. Big vineyards and their friends, outspending district opponents by more than five to one, rolled out big money to

persuade residents that an acreage-based water district was a great idea. Thanks to the voters — ironically engaging in the democratic process that the proposed district sought to evade by its design — the long and winding road finally reached its predictable end.

Now that this hopelessly compromised and highly convoluted exercise is over, here’s the best thing that could happen next: the State Water Resources Control Board steps in to implement the Sustainable Groundwater Management Act and immediately requires A) well metering and reporting of usage over the basin by the 12% of the basin’s water users who use 90% of the water, and B) cutbacks from those users of 5 to 15%. If that happens, the basin will quickly start seeing signs of recovery, which will be felt first by the rural residents who have been watching their well levels fall.

Then we could have a discussion about why that took so long.

## Don’t Tank

continued from page 1

“highest standards for water use efficiency.” The septic tank repurposing program will also support basin and habitat sustainability cost-effectively by infiltrating rainwater and providing a source of water that residents can use to reduce potable water use for outdoor watering.

The more conservation that happens over the Basin, the greater the likelihood of a long-term sustainable water supply.

The Sierra Club supports the strongest indoor/outdoor conservation program possible to maximize Basin sustainability. Toward that end, here are a few conservation and septic repurposing opportunities we strongly encourage you to take advantage of.

## Rebates

Rebates for low-flow toilets, showerheads, and faucet aerators have been extended through 2017.

Low-flow toilets, showerheads, and faucet aerators are mandatory (required for sewer hook up). Homeowners, public institutions, and businesses have to verify these fixtures are in place prior to hook up.

If homes have 1.28 gallon per flush (gpf) toilets and 1.5 gallons per minute (gpm) showerheads and faucet aerators—and rebates were not used to purchase or install these fixtures—property owners are eligible for about \$525 in rebates toward a qualifying efficient clothes washer (\$425 from the County program and about \$75 from PG&E and Gas Company rebates).

Property owners who have the three mandatory retrofits and have not used rebates are eligible for a \$300 rebate for a hot-water recirculator, dishwasher or other indoor water saving measure.

If homeowners have received rebates for low-flow toilets, showerheads, and faucet aerators, they are still eligible for about \$225 in rebates for a qualifying efficient clothes washer (\$150 under the County program and about \$75 from PG&E and the Gas Company). (See the County LOWWP website qualifying washers and how to claim rebates.)

## Repurposing options

~ 1. Here’s one of the best reasons to save your tank: It costs more to destroy it. Having your tank cleaned, disinfected, and the lid replaced—the “clean and close” option—will cost

\$300 to \$500 less than the cost of destroying it (having the tank filled with dirt or cement slurry), according to the estimates we’ve seen. This option gives you, or the next owner of your house, the ability to re-use the tank for rainwater, grey water, or recycled water in the future. A 1,200-gallon tank can provide more than half of the water needed for outdoor irrigation depending on lot size and type of landscaping, and it will fill up with only two inches of rain collected from about half the roof of a typical Los Osos house. An underground rainwater cistern would cost well over \$3,000 to install. You already have one. Los Osos septic tanks are valuable assets, likely to go up in value in the future.

~ 2. The next most affordable option, which provides immediate benefits to the Basin, is converting your septic system to an infiltration system. This supports the Basin by helping to recharge the aquifers with rainwater. It costs about \$200 to \$300 more than the “clean and close” option—still less than the “punch it and fill it” option, depending on site conditions and contractor bid. It involves having a rain gutter downspout hooked up to the tank inlet and an overflow pipe directed to a part of the yard that allows the overflow to soak in or run to the street in very heavy rains. (Perforating the bottom of the tank for the infiltration option should be avoided because it is more costly and unnecessary, as existing leach fields will function as infiltrators. Keeping your tank intact also allows you to upgrade later to a rainwater or recycled water reuse system.)

~ 3. A highly recommended option: A simple rainwater reuse system that includes the “clean and close” and infiltration options and adds the installation of a riser. A riser kit includes two-foot round pipe with lid and adaptors to provide surface access to the tank. With this option, when you want to use the water to fill an above-ground rainwater tank or irrigate a portion of your yard, you open the lid, drop in a small portable pump with hose attached, and pump out as much water as you want. This adds \$200 to \$300 to Option #2, about the same cost as destroying your tank. A good submersible pump adds about \$140.

~ 4. The other option we recommend is another simple rainwater reuse system, slightly more user-friendly than #3. It doesn’t require a riser or dropping in a pump. The pump is installed in the tank, a pipe

is installed from the pump to a faucet/outlet, and electrical cord is routed to an enclosed, water-tight electrical box. You attach a hose to the outlet, open the box, and plug it in using an extension cord and outlet rated for this use. This option adds \$400 to \$500 and an inexpensive permit to the cost of Option #2, slightly more than the cost of destroying your tank.

Option 1 and 3 are not mentioned in the County flier or other outreach materials at this point. The County includes some updated information in its most recent pamphlet and will be informing contractors and the public about these options in the future.

Be aware that some contractors have recommended destroying the tanks, calling them health hazards. Not true. County officials have told the contractors the tanks are safe for rainwater reuse once disinfected and permitted. The County supports reuse of Los Osos septic tanks, and at a minimum keeping them intact.

We strongly advise that you get several bids. If contractors are reluctant to repurpose your system to one of the above options, consider choosing another contractor or having that contractor complete the lateral connection and decommissioning process through the “clean and close” stage. Hire a landscape or rainwater expert to install Option 2, 3, or 4. (You might save some money by having the first contractor leave the tank exposed, rather than covering it back up.)

We are basing the above cost estimates on initial bids received by our members. Prices will likely be a moving target to some extent until repurposing gets well underway and the County and contractors work out the bugs. Your particular site conditions may add costs or prevent repurposing. We’ll update you on options and cost estimates next month.

The Sierra Club has been advocating for the strongest possible indoor/outdoor conservation program as an important element of a sustainable groundwater management plan for the Los Osos Basin (see “Chapter Submits Comments on Los Osos Basin Plan,” Jul. 2015), and we’ve recommended that the County apply the remainder of the wastewater project’s conservation funds (\$3.6 million) to maximize benefits to the

## Pants On Fire

continued from page 1

caused by the project. Valero appealed the decision to the city council, which, as we go to press, has not yet swallowed that argument. (See our prophetic prediction that federal preemption will be the major battleground for our own oil-by-rail proposal, “The End Game for Phillips 66,” March.)

But in the course of the March 15 hearing, Bradley Hogin, the City’s contract attorney on the Valero oil trains project and a long-time advocate for oil projects, decided to shoot the moon on the federal preemption argument, telling the Council:

To summarize what they did in San Luis Obispo County: like here, San Luis Obispo County decided to apply CEQA to onsite operations, that rail impacts are going to be disclosed, **but that mitigation of rail impacts is preempted, and that the permit cannot be denied based on rail impacts.** There is a factual difference with San Luis Obispo which is that unlike here the San Luis Obispo County EIR for the Phillips 66 project found there were significant and unavoidable impacts from on-site operations. So that project has not finally been decided but they have the ability really to avoid the preemption issue that is being presented to the city council here” [emphasis added].

This is a misstatement of SLO County Planning staff’s findings recommending denial of the Phillips 66 project based on both on-site and up-rail impacts. Hogin’s assertion was also a direct contradiction of the remarks of SLO County Counsel Rita Neal at the February 4 County Planning Commission hearing, at which she rebutted the same federal preemption claim when it was made by Phillips 66’s lawyer, saying “the applicant’s view of the scope of preemption goes too far” and rhetorically asking if it were true that preemption barred the County from assessing the project’s significant and unavoidable up-rail impacts, “then what are we doing here?”

Mr. Hogin’s misrepresent-

tation of SLO County’s position was made in the context of an attempt to paint a picture of legal clarity and settled law. In fact, lawyers statewide have acknowledged the murkiness of federal preemption as it applies to these projects, and that it is anything but settled law.

When the Benicia City Council reconvenes to deliberate on the Valero project, they are likely to place weight on Mr. Hogin’s false assertion that San Luis Obispo County has found that “mitigation of rail impacts is preempted, and that the permit cannot be denied based on rail impacts” caused by the Phillips 66 project. A decision by Benicia on the permit for the Valero project that relies on this false claim would in turn very likely be brought forward by Phillips 66 as a supporting argument and

become part of the deliberations of our own Planning Commission or Board of Supervisors on the Phillips 66 project.

To head off that bizarre outcome, the Sierra Club has urged the SLO County Counsel’s office to send a letter to the Benicia council-members as soon as possible to correct the record and furnish them with the actual analysis of SLO County Planning staff and Ms. Neal’s actual assessment of the role of federal preemption in the Phillips 66 project.



## The Ongoing Struggle: Phillips 66 v Truth

In addition to the struggle with the facts that oil-by-rail supporters have publicly displayed, per the story at left and as we’ve reported previously (“A Different Shade of Amber” and “Lies, Damn Lies, and COLAB,” March), Phillips 66 itself has had the same kind of trouble (see “Phillips 66 P.R. Gets Fact Checked,” Jan.).

It turns out the oil company’s trouble with truth is not restricted to oil train projects.

When Phillips 66 was opposing a local tax increase on oil companies on the ballot in the San Bernardino city of Rialto, it paid for a mass mailing to oppose the measure and tried to disguise the mailing as coming from “Californians for Good Schools and Good Jobs.” Last month, they got fined for it.

Per the Fair Political Practices Commission:

*Phillips 66 owned and operated an oil and gas terminal in the City of Rialto. Prior to the 2012 General Election in Rialto, Phillips 66 paid for and caused to be sent a mass mailing opposing Measure V, a proposed tax increase on oil companies operating in Rialto, which failed to display required sender identification and instead identified a general purpose committee, Californians for Good Schools and Good Jobs, as the sender, in violation of Government Code Section 84305, subdivision (a), and California Code of Regulations, title 2, section 18435, subdivision (d) (2 counts). In addition, Phillips 66 failed to timely disclose costs associated with those mass mailings on a semiannual campaign statement, in violation of Government Code Section 84211, subdivision (k) (1 count) and failed to timely disclose late independent expenditures, in violation of Government Code Section 84204, subdivision (a) (1 count). Fine: \$16,000.*



# Taking Issue: Diablo's Desperate Hour

problematic environmental coverage & commentary in our local media

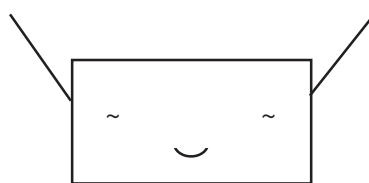
"Why we should keep Diablo Canyon open," by Gene Nelson, *The Tribune*, March 16, 2016.

**Summary:** As the future looks increasingly rocky for the operation of Diablo Canyon beyond 2025 (see facing page), nuclear advocates are stepping up their importuning of California's elected officials and regulators to relax regulations, ignore every inconvenient fact, and cut every corner necessary to keep the state's last nuke operational beyond the end of its current license.

This is the gent who showed up with other members of his small group, Californians for Green Nuclear Power, to heckle Rep. Lois Capps' clean energy expert panel discussion at Cal Poly last October, where they told a number of whoppers in their attempts to attack renewable energy, refuted by the experts on the panel and by us ("Energy Panel Followed by Nuclear Tantrum," Nov. 2015.)

The study in question, "California PATHWAYS: GHG Scenario Results," was a collaboration between CARB, CAISO, CPUC and CEC, working with the consulting firm Energy & Environmental Economics, whose senior staff have industry experience and advanced degrees in engineering, economics, business, and public policy. The study found that the state can meet our 2030 climate goals by rapidly growing renewables and investing in upgrades to energy efficiency and the electric grid. But maybe if Dr. Nelson keeps calling it names and using ironic quotation marks, it will go away.

The Energy Commission recently commissioned a "study" regarding Diablo Canyon's clean power not being needed to meet California's clean air goals via a number of indefensible assumptions to reach that illogical conclusion. This suggests the commission's "study" was more public-relations puffery than a factual analysis.



Okay, *Taking Issue* fans, we know you love these little boxes and the point-by-point dissections of bad arguments and logical fallacies, but we've been through this exercise on this particular subject more than a few times, have we not? So rather than fill up the *entire* page with more of the usual, we interrupt our beloved format to bring you the big picture, courtesy of the reality that checkmates all pro-nuke arguments, thereby sparing us and you from having to run through them all and refute them all yet again.

And here it is:

## Traditional electricity model no longer fit for purpose

By Barbara Vergetis Lundin, *Smartgridnews.com*  
March 17, 2016

The traditional electricity distribution model is no longer fit for purpose. That is according to almost half (45 percent) of utility industry executives worldwide surveyed by Accenture.

Unless the industry undergoes a digital, regulatory, and business model transformation, utilities warn of increasing pressure on supply reliability and prices, Accenture's Digitally Enabled Grid research shows.

The proliferation of distributed generation has been a key challenge for utilities. Accenture's survey of 85 industry executives across 18 countries found that more than half (56 percent) expect grid faults to increase by 2020 as a result of distributed renewable generation, such as residential solar photovoltaics (PV). In addition, improving economics could make electricity storage another

key disruptor, with 32 percent of executives expecting it to cause an increase in grid faults — up from 14 percent in 2013.

Accenture has also conducted economic modeling to assess the potential impact of growing electricity storage on the grid network, and demonstrated that the falling price of storage could strengthen the economics of residential PV deployment in places like Germany, where the price for selling renewable generation back to the grid is lower than the retail price, or California where the utility charges a premium for electricity consumption during periods of peak demand.

"As consumers invest in residential storage and are able to use stored electricity instead of purchasing it from the grid at times of

peak demand and price, distribution businesses will face a decrease in demand and consumption on their network. This will impact the utilization of grid resources, putting revenues at risk," said Stephanie Jamison, global managing director, Accenture Smart Grid Services. "However, we see utilities learning from their experience with PV, where they faced rapid growth in residential deployment without sufficient means to manage the effective integration of the new supply, and lagged in developing complementary services, like installation, maintenance and dispatch optimization, leaving the doors open to new competition. Utilities recognize that PV plus storage represents an existential threat to their businesses if they don't get into the game early."

# Tell Congress You're Ready for 100% Clean Energy

By Jodie Van Horn  
ReadyFor100 Campaign Director, Sierra Club  
[www.sierraclub.org/ready-for-100](http://www.sierraclub.org/ready-for-100)

Once upon a time, it was thought that clean and renewable energy, like wind and solar, couldn't hold a candle against the old, "cheap" and dirty fossil fuel energy like coal, oil, and gas.

Luckily, that is no longer the case.

In 2015, we saw renewable energy pulling in more power capacity than coal, oil, and gas combined. I Not only that, but the price of wind and solar power has plummeted, and is now as cheap as, or in many cases cheaper, than fossil fuels all over the world.

We're seeing Republican and Democratic leaders

alike committing to 100% clean energy. Right now, there's a resolution being brought to the House by the Congressional Progressive Caucus, led by co-chairs Rep. Raul M. Grijalva (D-AZ) and Rep. Keith Ellison (D-MN) that sets aggressive national priorities for supporting 100% clean energy and good, green jobs.

Take action and tell your Congress member that you're ready for them to sign the resolution for 100% clean and renewable energy!

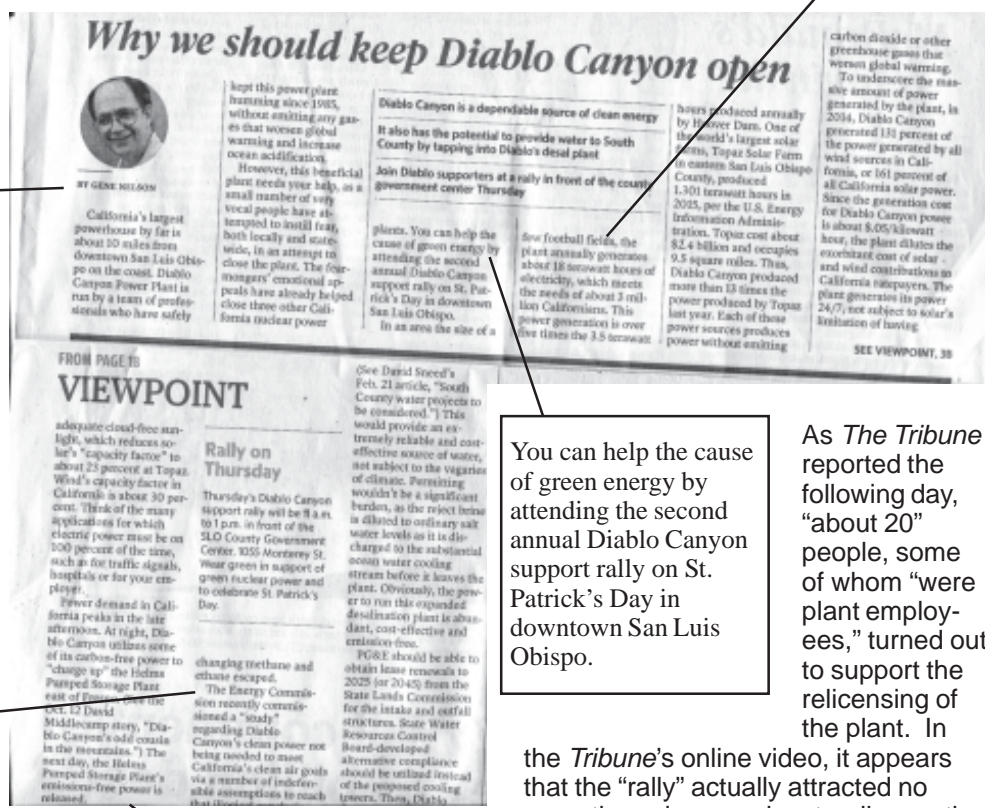
Just a few months ago, during the United Nations Climate Conference in Paris, we saw 190 nations

reach an international agreement to curb the worst effects of the climate crisis. During the same time we saw a hundred mayors sign a commitment to 100% clean energy, and the 8th largest city in America, San Diego, led by a Republican Mayor, pass the strongest commitment to 100% clean energy that we've seen to date.

By accelerating our transition to a clean energy economy, we can not only reduce climate-disrupting dangerous pollution, but we can create thousands of jobs and boost our economy in the process. This resolution provides an encouraging boost of momentum as we push to see strong actions come out of the climate talks in Paris.

From here, the author launches into the traditional insistence -- beloved of PG&E -- that the power generated by Diablo Canyon can only be replaced by the power generated by another single power plant of some kind. Sorry, no. See: energy efficiency and distributed generation.

In an area the size of a few football fields, the plant annually generates about 18 terrawatt hours of electricity....



Choosing to bring more gas plants on line instead of renewables is a policy problem, not a technology problem. Inevitable nuclear plant closures are an argument for developing local clean energy systems to stabilize the grid, not for clinging to nuclear or doubling down on gas.

Stanford engineering professor Mark Jacobson, one of the chief proponents of converting the U.S. to 100 percent renewable energy, agrees with the state of California, having done his own research affirming that California can meet its clean energy targets without nuclear. As he recently told *Mother Jones*, "Repairing Diablo Canyon will not only be costly, diverting funds from the development of more clean, renewable energy, but it will also result in down time, resulting in emissions from the background grid [the normal electric grid, which would have to pick up the slack in Diablo Canyon's absence] which currently still emits pollution and carbon. A more efficient solution would be to use those funds to grow clean, renewable energy further."

**Summary:** The small mammals of distributed generation and energy storage are flitting nimbly through the late Cretaceous underbrush as the monopoly utility thunder-lizards go lumbering through the canopy. Whether based on coal or gas or nukes, faced with the rise of renewable energy, the electric utility model is looking at either radical adaptation or extinction. It's not hard to guess which scenario nuclear will be part of.

## The Grand Jury Wants You

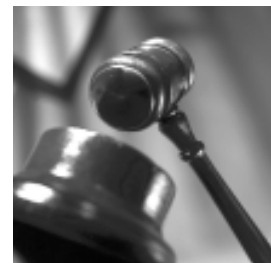
Application deadline is April 15

San Luis Obispo County, like all other California counties, has a grand jury that investigates civil issues. If you would like to participate in a pure form of democracy and learn about local government, you should consider applying for the grand jury.

The objective of the grand jury is to "shed a light" on all aspects of local government to ensure they are being governed honestly and efficiently. Jurors get extensive training. Key government officials and staffers explain what they do in their jobs.

Any citizen can apply at [slocourts.net/grand\\_jury/application\\_forms](http://slocourts.net/grand_jury/application_forms). The deadline is April 15. Citizens can also obtain a complaint form at this site and complain about anything having to do with local governmental agencies.

If you make the cut, you'll be issued a badge, business cards and a key to the "Grand Jury House." The county pays your mileage for GJ business and you receive the princely sum of \$15 per day for your service. The grand jury conducts regular business two mornings per week and pursues individual investigations as necessary. Each week, the foreperson reads any new citizen complaints and the jury decides whether to investigate. The SLO Grand Jury usually accumulates several dozen cases and complaint investigations in a year.



ADD YOUR NAME!

[signherenow.org/petition/zeroby2050/sierra/](http://signherenow.org/petition/zeroby2050/sierra/)



# Classifieds

Next issue deadline is **April 15**. To get a rate sheet or submit your ad and payment, contact: Sierra Club, P.O. Box 15755, San Luis Obispo, CA 93406 or [sierraclub8@gmail.com](mailto:sierraclub8@gmail.com)

## Impediments to License Renewal for Diablo Canyon

Clip and save!

California Independent System Operator (CAISO) has concluded that Diablo Canyon is:

- **NOT NEEDED FOR THE GRID...**  
The California ISO has stated that the electric grid would operate reliably in the event of a shutdown of Diablo Canyon....Diablo Canyon most likely will not be critical in meeting California GHG goals.<sup>1</sup>
- **NOT NEEDED TO MEET CLIMATE CHANGE GOALS...**  
The Pathways Study by E3 shows that Diablo Canyon is not needed to meet California's GHG goals....and assumes in the reference case that Diablo Canyon would not be relicensed.<sup>2</sup>
- **DIABLO'S INFLEXIBLE "BASELOAD POWER" HINDERS RENEWABLES...**  
The California ISO has expressed its concern that overgeneration conditions will occur with increasing frequency as a result of the greater number of renewable resources connected to the grid....PG&E stated that Diablo Canyon is unable to provide load following services due to safety and operations provisions that are based on 100 percent power operations.<sup>3</sup>

The State Water Resources Control Board Subcommittee on Nuclear Power Plants and Once Through Cooling (OTC) has declared:

- **DIABLO SHOULD NOT BE EXEMPTED FROM OTC PROHIBITION...**  
The Subcommittee of the Review Committee for Nuclear Fueled Power Plants (the Subcommittee) finds that there is no basis for an exemption from the once-through-cooling (OTC) Policy for Diablo Canyon Power Plant (Diablo Canyon).<sup>4</sup>

The State Lands Commission's pending decision on the extent of a CEQA analysis required to renew or extend the DCNPP outfall leases beyond 2019:

- **ANY DIABLO LEASES WILL REQUIRE LANDS COMMISSION SCRUTINY...**  
Staff continues to expect developments over the next year relating to the operation, permits, and licensing of the DCP that could inform any decision the Commission may make on this lease application. Additionally, staff continues to evaluate the appropriate environmental review pursuant to CEQA for this application.<sup>5</sup>

<sup>1</sup> Planning Assumptions Update and Scenarios for use in the CPUC Rulemaking R.13-12-010 and the CAISO 2015-16 Transmission Planning Process, March 4, 2015.  
<sup>2</sup> Energy+Environmental Economics (E3), 2015, Summary of the California State Agencies' PATHWAYS Project: Long-term Greenhouse Gas Reduction Scenarios, [https://e3three.com/public\\_projects/energy\\_principals\\_study.php](https://e3three.com/public_projects/energy_principals_study.php)  
<sup>3</sup> PG&E Comments: August 5, 2015, [http://doCKETpublic.energy.ca.gov/PublicDocuments/15-IEPR12/TN205641\\_20150805/174531\\_Valerie\\_Winn\\_Comments\\_Pacific\\_Gas\\_and\\_Electric\\_Company\\_Supplene.pdf](http://doCKETpublic.energy.ca.gov/PublicDocuments/15-IEPR12/TN205641_20150805/174531_Valerie_Winn_Comments_Pacific_Gas_and_Electric_Company_Supplene.pdf), p. 1.  
<sup>4</sup> Subcommittee Comments on Bechtel's Assessment of Alternatives to Once-Through-Cooling for Diablo Canyon Power Plant, SWRCB, November 18, 2014, p.1.  
<sup>5</sup> "Informational Update Regarding application of the California Environmental Quality Act to consider a general lease—industrial use for a cooling water discharge channel... at the Diablo Canyon Power Plant...," February 9, 2016, p.1.

The CPUC mandated Independent Peer Review Panel (IPRP) overseeing the seismic studies at Diablo Canyon finds many seismic questions remain unanswered:

- **PG&E's SEISMIC DATA AND ANALYSIS ARE INSUFFICIENT...**  
IPRP previously expressed its concern regarding the adequacy of using only two earthquakes in estimating the site-specific term and made recommendations to gain confidence in the PG&E site-specific approach...PG&E has not addressed these recommendations.<sup>6</sup>

IPRP is not confident that the 7-km deep 1D site response analysis would be applicable to the DCP site because of complicated 3D geological conditions beneath the site....For these reasons, we do not put much faith in the relatively good agreement between empirical and analytical site factors at high frequencies.<sup>7</sup>

CPUC President Michael Picker sent PG&E a list of 18 questions to be answered before the state could consider funding license renewal for Diablo Canyon. The California Energy Commission wants to start seeing answers sooner than later:

- **Provide updates on compliance with CPUC President Picker's itemized list.**  
CPUC President Picker provided a lengthy list of compliance items to be completed by PG&E as part of any funding request for the relicensing application process. PG&E should provide status reports on these compliance items to the Energy Commission and the CPUC on an annual or quarterly basis, as appropriate.<sup>8</sup>

PG&E Corporation still facing numerous federal indictments and a possible April 2016 trial date for obstruction of justice regarding gas explosion that killed 8 in San Bruno:

PG&E was indicted last April on charges that it had repeatedly failed to maintain accurate records about its natural gas pipelines.... The charges, which carry fines of up to \$500 million, arose from the September 2010 explosion of a gas pipeline in San Bruno that killed eight people and destroyed 38 homes.<sup>9</sup>

PG&E's stance on license renewal, in the words of their CEO, Tony Earley:

- "We've got a lot on our plates, and we just don't need to take on another big public issue right now..."
- "We're doing the preliminary work we need to do," he said. "I have not gone to the board of directors and said, 'Full speed ahead.'"
- "Nuclear in California is a sensitive issue, so we've got to consider all options."<sup>10</sup>

<sup>6</sup> Independent Peer Review Panel Report #9, March 6, 2015, P. 15.  
<sup>7</sup> Independent Peer Review Panel, Report #10, December 4, 2015, p.8.  
<sup>8</sup> 2015 Integrated Energy Policy Report, California Energy Commission, January 27, 2016, p. 244.  
<sup>9</sup> Egelko, Bob, "Judge gives PG&E a 3-week delay in San Bruno blast trial," San Francisco Chronicle, March 7, 2016.  
<sup>10</sup> Baker, David, Nuclear Power's Last Stand in California, San Francisco Chronicle, November 14, 2015

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Babak Naficy - Attorney at Law  
  
1504 Marsh Street  
San Luis Obispo, CA 93401  
ph: 805.593.0926 · fax: 805.593.0946  
[babaknaficy@sbcglobal.net](mailto:babaknaficy@sbcglobal.net)

# Outings and Activities Calendar

Seller of travel registration information: CST 2087766-40. Registration as a seller of travel does not constitute approval by the State of California.

All our hikes and activities are open to all Club members and the general public. Please bring drinking water to all outings and optionally a lunch. Sturdy footwear is recommended. All phone numbers listed are within area code 805 unless otherwise noted. Pets are generally not allowed. A parent or responsible adult must accompany children under the age of 18. If you have any suggestions for hikes or outdoor activities, questions about the Chapter's outing policies, or would like to be an outings leader, call Outings Chair Joe Morris, 549-0355. For information on a specific outing, please call the listed outing leader.

**Sat., Apr. 9th, 10 a.m. Quarry Trail Trekking-Pole Hike.** Come on a two-mile, 400 ft. gain, hike to demonstrate and practice proper use of trekking poles. Meet at Quarry Hill trailhead, off South Bay Blvd., Morro Bay. Leader: David Georgi, 458-5575 or hikingpoles@gmail.com

**Sun., April 10th, 2 p.m. SLO Historic Walk: San Luis Cemetery.** Guided stroll past gravesites of famous pioneers like Angel, Murray, Sinsheimer, and Civil-War vets, plus the "old potters field" for indigents and the landmark pyramid. Learn the compelling stories of the 19th-century founders of San Luis Obispo. Duration about 1 1/2 hrs. Meet in south parking lot adjacent to the pyramid, 2890 S. Higuera St. Leader: Joe Morris, 549-0355.

**Sat., Apr. 23rd, 7:30 a.m. Santa Lucia Trail to Pimkolam (Junipero Serra) Peak.** Strenuous hike to highest peak in northern Los Padres National Forest and Monterey County. The hike is 12 miles out and back, about 3800 ft. of elevation gain. It begins at Indian Stations Trailhead and soon enters an area with wonderful rock outcrop-pings. It then continues through an oak woodland and then switch-backs up a chaparral-covered slope to a junction with the summit trail. The trail ascends two more ridges before entering a pine forest about 500 ft. below the summit. On arriving at the summit there is an old fire lookout. There is a possibility of poison oak and ticks. The trail may be brushy in places. Bring water, snacks, lunch, and dress for the weather. Meet at the ride share parking lot just west of Highway 101 at the Las Tablas exit in

Templeton. We will carpool to the trailhead, which is about a 90 minute drive. We will be entering Fort Hunter Liggett, so I recommend that you bring an I.D. Drivers should have proof of insurance and registration. This is not a hike for beginners. Need to RSVP beforehand with the leader. Rain cancels. For info, call Chuck Tribbey, 441-7597.

**Thurs., Apr. 28th, 10 a.m. State Park Walk in Los Osos.** Easy, 1 1/2 mile hike among blooming ceanothus, fragrant sage, and many other spring wildflowers. Park near corner of Santa Ysabel and Scenic Way, off of South Bay Blvd. Leader: Vicki Marchenko, 528-5567 or vmarchenko57@gmail.com.

**Sat., May 7th, 8 a.m. Twitchell, Stone Ridge, and Kirk Creek Hike.** Strenuous, eleven-mile, 3,000 ft. gain loop hike within the shadow of Cone

Peak, including 2.5-mile car shuttle. We start at north end past Limekiln and have a strenuous climb of 2,000 ft in first two hours; rest of the loop is less steep. Poison oak along trail. Bring lunch, lots of water, and expect to be on the trail six to seven hours. Meet at Washburn Day Use Area north of Cambria on Hwy 1 to car-pool. Extreme heat will postpone hike. Need to call leader beforehand if going: Carlos Diaz-Saavedra, 546-0317.

**Fri.-Mon., May 27th-30th. Black Rock Rendezvous.** Annual desert event with speakers, guided tours, visits to hot springs, rock-hounding, drawings, and more. Bring RVs and trailers. Primitive camping, but with portable toilets. Dogs OK if on leash. More information at [www.blackrockrendezvous.com](http://www.blackrockrendezvous.com). For questions and sign-ups, contact David Book, 775-843-6443. Great Basin Group/CNRCC Desert Committee.

## Island Hopping in Channel Islands National Park

**Apr. 3-5, May 8-10, Jun. 12-14, Jul. 17-19, Aug. 21-23, Sept. 25-27, Oct. 23-25.** Join us for a 3-day, 3-island, live-aboard cruise to the Channel Islands. Hike windswept trails bordered with blazing wildflowers. Kayak rugged coastlines. Snorkel in pristine waters teeming with colorful fish. Swim with frolicking seals and sea lions. Look for unusual sea and land birds. Watch for the endangered island fox. Or just relax at sea!



All cruises depart from Santa Barbara. \$650 cost includes an assigned bunk, all meals, snacks and beverages plus the services of a naturalist-docent assigned by the national park to help lead hikes, point out items of interest and give evening program. For more information, contact leader: Joan Jones Holtz; 626-443-0706; jholtzhl@aol.com.

To hold a reservation, mail a \$100 check to Sierra Club, and send to Joan Jones Holtz, 11826 The Wye St., El Monte, CA 91732.

## Activities sponsored by other organizations

### San Luis Obispo Botanical Garden

**Sat., April 2, 9 a.m.-11 a.m. Audubon Bird Walk.** Join Kaaren Perry and Jay Carroll of the Morro Coast Audubon Society on this exciting, family-friendly birding walk through SLO Botanical Garden. For more info, visit [slobg.org/bird](http://slobg.org/bird). 3450 Dairy Creek Rd., \$5 for Garden members / \$10 for public. 541-1400 x305.

**Sun. April 10, 1 p.m.-3:30 p.m. Kids' Cooking at SLO Botanical Garden.** The Garden partners with Cal Poly's nutrition advocates, STRIDE, for this family-friendly cooking class. Children will harvest vegetables from the Garden and use them to prepare a delicious meal. 3450 Dairy Creek Rd. \$25 for child and guardian, \$5 per additional family member. Garden members receive \$5 discount. 541-1400 x305.



## New Guide Book for Montana de Oro and Point Buchon

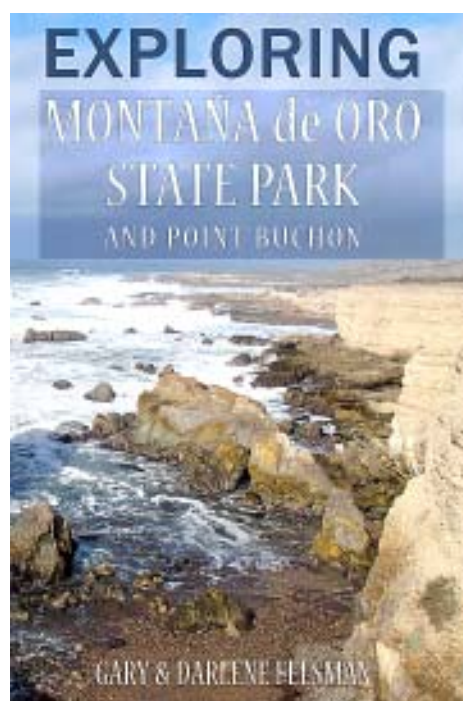
Darlene and Gary Felsman have created the new guide book *Exploring Montana de Oro State Park and Point Buchon*.

Explore the extensive trail network on our scenic Central Coast. The paths within Montana de Oro State Park and Point Buchon provide many adventures for hikers, cyclists, equestrians and others to explore. Gary and Darlene have assembled their 26 favorite trips for this guide. Each route has a detailed map, trail description and photos of what you might encounter during your explorations.

Print and e-book available. You should also be able to find it at local book stores, outdoor shops, Costco, the MDO visitor center and the Central Coast Museum of Natural History.

The book and E-Book can be purchased from Amazon as well. The E-book is in color for Kindle Fire, Iphone, Ipad, Android and other pc's and tablets that have the Kindle app. You can read a sample of the book here.

Special price for anyone who wants to buy the book from Gary and Darlene directly at one of the many outings or events they attend or lead.



Read a sample here:  
[tinyurl.com/MDO-Buchon](http://tinyurl.com/MDO-Buchon)

## Don't Tank

*continued from page 5*

Basin during the sewer hook-up process. We are very encouraged to hear that the County is considering rebates for septic tank repurposing. We hope officials will also consider allowing residents who've previously received rebates for toilets, showerheads and aerators to also receive rebates for washers and recirculators. We are optimistic that the County will coordinate use of remaining conservation funds (\$3.6 million) with the purveyors to ensure the

best possible indoor/outdoor program is put in place ASAP.

The sewer hook-up process offers a unique opportunity for Los Osos to become a model of water-use efficiency in the state and nation. It is also an opportunity for all stakeholders to work together to achieve a sustainable basin.

### TAKE ACTION

Contact County and Los Osos Basin Management Committee officials to encourage them to maximize the Conservation and Repurposing Programs over

the next year:

Wade Horton, County Public Works Director:  
[whorton@co.slo.ca.us](mailto:whorton@co.slo.ca.us)

Bruce Gibson, County BMC rep: [bgibson@co.slo.ca.us](mailto:bgibson@co.slo.ca.us)


Marshall Ochylski, LOBMC Chair,  
[mochylski@losososcd.org](mailto:mochylski@losososcd.org)

Mark Zimmer, LOBMC Vice Chair: [MarkZimmer@gswater.com](mailto:MarkZimmer@gswater.com)

Bill Garfinkel, LOBMC secretary: [morrobill@gmail.com](mailto:morrobill@gmail.com)



This is a partial listing of Outings offered by our chapter. Please check the web page [www.santalucia.sierraclub.org](http://www.santalucia.sierraclub.org) for the most up-to-date listing of activities.




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- Make new friends
- Protect the environment
- Get healthy exercise

For further information contact:  
Joe Morris, Outings Chair  
Sierra Club, Santa Lucia Chapter  
(805) 779-1875  
[dj1942@earthlink.net](mailto:dj1942@earthlink.net)



John Maki, founder of the Sierra Club in Yosemite

# DON'T FORGET!

In March we sent out an appeal to each of our members, asking for contributions directly to our Chapter. These contributions really do make a difference to us, and are an important part of our Chapter's budget. When you make a donation to the Chapter, you support the Sierra Club's work in our own backyard. You allow us to continue our work to protect wilderness and wildlife, to improve the quality of life in our cities, and to promote the enjoyment of nature.

Please be as generous as you are able - and remember, these funds directly affect your way of life in your neighborhood.

**Mail your contribution to**

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